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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,583	01/18/2002	Daniel Henri Decaux	68142-015	2447

7590

02/05/2003

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 02/05/2003

8.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/937,583		DECAUX ET AL.	
	Examiner		Art Unit	
	Matthew O Savage		1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: |

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Copies of PCT/GB00/01253 and GB 9907564.0 have not been received from the international bureau.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,083,203.

With respect to claim 1, '203 discloses a filter body having opposing body filter ends 1, 16, the filter body having an interior chamber within which a filter medium 7 is located, the filter medium including a filter member having a first end secured to a support plate 12 and a second end secured to the filter body 1, the filter body being multi-part construction, the parts being non-removably, sealingly secured to one another, the filter body being shaped to define an inlet port 6 and an outlet port 5 communicating with dirty and clean sides of the filter medium, both the inlet and outlet ports being positioned at the same body end of the filter body.

As to claim 2, '203 discloses the parts 1, 16 of the filter body as being secured to one another by means of a friction welding technique (see lines 25-28 of page 2).

Concerning claim 4, '203 discloses the second end of the filter member as being directly bonded to the filter body (e.g., via adhesive 10).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Brun.

With respect to claim 3, '203 fails to specify the filter medium as being a pleated paper filter member. Brun discloses an analogous filter including a pleated filter paper member 14B (see FIG. 3 and lines 10-13 of col. 4) and suggests that such a filter medium is useful for filtering liquids. It would have been obvious to have modified the '203 filter so as to have included a pleated paper filter member as suggested by Brun in order to provide a filter member capable of filtering liquids.

Concerning claim 11, '203 fails to disclose a downwardly depending tubular member secured to the filter body serving to force fuel to flow in a downward direction prior to entering the tubular member. Brun discloses a downwardly depending tubular member 13B secured to the filter body serving to force fuel to flow in a downward direction prior to entering the tubular member and suggests that such an arrangement enables air to be controllably bled from a dead space within the filter member. It would have been obvious to have modified the '203 filter so as to have included a tube as suggested by Brun in order to enable air to be bled from a dead air space within the filter member.

As to claim 12, Brun discloses the tubular member as having one or more openings 19 through which air is able to flow at a relatively low rate.

Regarding claim 13, '203 discloses the second end of the filter as being bonded directly to the filter body 1.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Bosch et al.

With respect to claim 5, '203 fails to specify the recited second inlet and outlet port. Bosch et al include a second inlet and outlet port 28, 29 and suggests that such an arrangement enables the introduction of warmed fuel into the filter to melt wax crystals in cold fuel. It would have been obvious to have modified the '203 device so as to have included second inlet and outlet ports as suggested by Bosch et al in order to enable the introduction of warm fuel into the filter.

As to claim 6, '203 discloses a temperature sensitive valve 33, 34.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Bradford et al.

With respect to claim 5, '203 fails to specify the recited second inlet and outlet port. Bradford et al include a second inlet and outlet port 29 and 30 (see FIG. 3) and suggests that such an arrangement enables the introduction of warmed fuel into the filter to melt wax crystals in cold fuel. It would have been obvious to have modified the

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'203 device so as to have included second inlet and outlet ports as suggested by Bradford et al in order to enable the introduction of warm fuel into the filter.

As to claim 6, '203 discloses a temperature sensitive valve 38.

As to claim 7, Bradford et al discloses a pressure sensitive valve 38 that includes a ball valve 33.

Concerning claim 9, Bradford et al disclose a non return valve 33 resiliently biased into engagement with a seating.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Bosch et al or Bradford et al as applied to claim 6 above, and further in view of Lewis et al.

With respect to claims 7-8, '203, Bosch et al, and Bradford et al fail to specify a ball valve movable under the influence of a bimetallic element. Lewis et al discloses that ball valves movable under the influence of a bimetallic element are known in the art and suggests that such a valve provides a reliable seal. It would have been obvious to have modified the combination suggested by '203, Bosch et al, or Bradford et al so as to have included a ball valve as suggested by Lewis et al in order to provide a secure seal.

Concerning claim 9, Bradford et al disclose a non return valve 33 resiliently biased into engagement with a seating.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Matthew O Savage
Primary Examiner
Art Unit 1723

mos
January 30, 2003